

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL R. SMITH,)	
)	
Plaintiff,)	Civil Action No. 00-1281
)	
V.)	Judge Arthur J. Schwab
)	Mag. Judge Francis X. Caiazza
SUPERINTENDENT PHILIP L.)	
JOHNSON; PUBLICATION REVIEW)	
COMMITTEE TIM G. COLLINS,)	
)	
Defendants.)	Electronically filed.

MOTION TO STAY DEFENDANTS'
[Docket # 55] MOTION FOR SUMMARY JUDGMENT

AND NOW, come defendants Johnson and Collins, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Mariah L. Passarelli, Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully request that their previously filed [Docket # 55] Motion for Summary Judgment be stayed for the following reasons:

1. A Settlement Conference was held in this matter on April 13, 2007 at approximately 10:30 AM. (See Docket # 53).
2. However, the parties quickly reached an impasse and no settlement was reached at that time. Id.
3. Accordingly, the defendants filed a Motion for Summary Judgment, with brief and statement of material facts in support thereof, on April 18, 2007. (See Doc. # 55-57).
4. Plaintiff has subsequently filed a letter dated April 18, 2007 (received and docketed by the Court on April 20, 2007) essentially stating that Plaintiff has

reconsidered his position and is now agreeable to the settlement offer previously made by defendants. (See Doc. # 58).

5. In light of this representation, the defendants have sent a Settlement Agreement and Release of Claims to Plaintiff, under cover of a letter instructing Plaintiff as to how to proceed.

6. Specifically, the defendants have indicated that they must receive the Settlement Agreement and Release of Claims signed by Plaintiff within seven (7) days, or they will move to lift the presently-requested stay, and thus proceed with their [Docket # 55] Motion for Summary Judgment.

WHEREFORE, the defendants respectfully request that their [Docket # 55] Motion for Summary Judgment be stayed pending the anticipated settlement of this matter.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: /s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
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SUSAN J. FORNEY
Chief Deputy Attorney General
Chief Litigation Section

(412) 565-3579

Date: April 24, 2007

**IN THE UNITED STATES DISTRICT COURT
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DANIEL R. SMITH,)	
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Plaintiff,)	Civil Action No. 00-1281
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JOHNSON; PUBLICATION REVIEW)	
COMMITTEE TIM G. COLLINS,)	
)	
Defendants.)	Electronically filed.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Motion to Stay Defendants' [Docket # 55] Motion for Summary Judgment** was electronically filed with the Court and served upon the following via first-class mail:

DANIEL R. SMITH
BM-1187
SCI-Fayette
P.O. Box 9999
LaBelle, PA 15450-2200

/s/ Mariah L. Passarelli
MARIAH L. PASSARELLI
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Date: April 18, 2007